

**Brandon Select Board Meeting
November 25, 2013**

NOTE: These are unapproved minutes, subject to amendment and/or approval at the subsequent board meeting.

In Attendance: Devon Fuller, Maria Ammatuna, Ethan Swift, Blaine Cliver

Also in Attendance: Robin Bennett, Wayne Rausenberger, Kathy Rausenberger, Richard Baker, Jack Fillioe, Lyn DuMoulin Orth, William Orth, Kevin Thornton, Robert Black, Allan Leavitt, Maurice Racine, Phyllis Reed, Jim Leary, Arlyn Bloodworth, Chris Brickell, Lee Kahrs, Tracy Wyman, Jeff Stewart, Linda Stewart, Nancy Meffe, Gary Meffe, Steve Beck, Priscilla McKeighan, Dick Kirby, Dennis Reisenweaver, Lou Faivre, Larry Rogers, Pete Smith, Bruce Edums

1. Call to order

The meeting was called to order by Devon Fuller - Chair, at 7:00PM.

a) Agenda Adoption – Motion by Blaine Cliver/Maria Ammatuna to adopt the agenda with the addition of Item 9(c) – warrant for Perfect Pitch Roofing in the amount of \$2,600.00. **The motion passed unanimously - 3 to zero.**

2. Consent Agenda

a) Approval of Minutes – November 13, 2013 – Select Board Meeting

Motion by Maria Ammatuna/Blaine Cliver to approve the minutes of the November 13, 2013 Select Board meeting, as corrected. **The motion passed unanimously – 3 to zero.**

Under Public Comments; a correction to the sentence – Robin Bennett stated when an entity receives more than \$500,00.00 in federal funds in a given year; it would require a single audit.

b. Approval of Minutes – November 18, 2013 – Special Select Board Meeting

Motion by Maria Ammatuna/Blaine Cliver to approve the minutes of the November 18, 2013 Special Select Board meeting. **The motion passed unanimously – 3 to zero.**

3. Public Comments for Items not on the Agenda

Phyllis McKeighan questioned why Mr. Fillioe had to have permission to speak to the Select Board because he lives out of town, when the town manager lives in Rutland and

can speak at the meetings. Devon Fuller advised the town manager's contract recommends living in Brandon, but it is not a requirement. Blaine Cliver noted that none of the town staff is required to live in Brandon.

Allan Leavitt stated at the last Select Board meeting, he made a recommendation that might benefit the revenue side of the budget by instituting the former practice of encouraging residential development by offering tax incentives for new construction. Mr. Leavitt would like to hear a discussion on this matter for both the pros and cons. Mr. Leavitt sees this as a step for planning for the future of the town and not just for the upcoming budget.

Robert Black stated there has been a suggestion made to light the falls, which residents were excited about and could serve as a good tourist draw. There has been discussion about possibly having solar lighting. Chris Smith, owner of the Watershed building, is engaging an electrician to put lights on the back side of the building. Mr. Black would like someone to discuss this item with the zoning administrator to assure this is acceptable. Ethan Swift stated there is also a streetlight that shines towards the park and perhaps another light coming off that pole could also shine on the falls.

Wayne Rausenberger questioned the status of the information on the expenses for ASR 7 and ASR 8. The town received an accounting from VHB and only a portion of the \$79,000.00 was used for the analysis. Mr. Rausenberger questioned the \$10,000.00 warrant that was approved a couple of meetings ago and noted there had been prior comments that there was very little money left. Ethan Swift stated part of the warrant was for the additional design changes requested by the DBA and the other was the H & H Study and those funds were allocated for those specific purposes.

Dick Kirby stated the town has three architects who live in this town that have extensive schooling and background and the town should start listening to their suggestions for the work being done. He encouraged the Select Board to consider their recommendations.

4. Annual Reports

Robin Bennett reported the cost of mailing the town reports is about \$650.00 bulk mail. A change to the process would require action during town meeting and would need to be warned 30 days prior to the meeting. There could be some savings in the printing, reformatting and mailing of the reports. Ethan Swift questioned whether the deadline has been set for submissions to the town report. Ms. Bennett stated the deadline has not been formally set, but information should be received by the end of the year. Ms. Bennett advised if there are no changes to the annual requests from outside organizations, they do not require a petition. If additional funds are requested, a petition would be needed. Mr. Bennett will be drafting a formal policy concerning this process, as currently none exists. Maria Ammatuna has been questioned why the organizations requesting funds are not required to submit budgets. Robin Bennett stated the additional data would require too many pages for the town report and would increase

the cost of the report. Mr. Swift noted if the organizations are receiving federal funds, this information would be available. A recommendation was made to include the organization's website and contact information in the town report to enable taxpayers to obtain this information.

5. Town Office Project

Devon Fuller stated the DBA has been working on the town office project for over a year and the Select Board appreciates the time they have put into this project. They also appreciate the time that the volunteers and other groups have contributed to this project.

Robert Black presented an evaluation of options for the renovation of the town office. He noted this is an important project with a lot of significance to the town. The project has national significance as it is part of the Brandon Village Historic District, built in 1828 and represents the last building in Brandon associated with the town's industrial past. On July 23, 2012, the Select Board had decided to keep the town office where it was and do the work in phases. At the last meeting, it was noted that 49 Center Street is owned by the town and it makes financial sense to keep it. The building is structurally sound and can be cost-efficiently retrofitted. The foundation is sound and patching will be done during the Bridge 114 project. The walls and windows are tight and there are no cracks. The main slate roof is in good condition and the rafters are in excellent condition, with some minor repairs needed. All of the work is outlined in the proposed budget. The building has withstood three floods and recent work that included the Summit at the Falls proposes flood mitigation efforts. Community-based cooperation is the key to the success of this project. From detailed site inspection, items have been repaired and it is water tight. The DBA recommends better maintenance to avoid mold in the future. There are two options being considered with one being to move into 49 Center Street with no taxpayer burden using the insurance money, potential grants and volunteers. This option preserves the taxpayers' equity and is ready to start today. Option B is to not move back into the building and relocate to another space which would be a total burden on the taxpayers with a cost that could exceed \$400,000.00 and it would leave a vacant building in town. It is the recommendation of the DBA to move back into 49 Center Street according to the detailed work plan and agreed upon schedule using a practical combination. Plans were prepared by the DBA architects and there is very minor work required to bring it to ADA compliance. There is even less work to do in the upstairs, thanks to the efforts of the volunteers. Mr. Black noted the town office is at the heart of the civic vision. Mr. Black encouraged the Select Board to approve the spending of the insurance money now to revive the historic town office building.

Max Ferro noted the DBA has specs for the contract documents that were completed in line detail, which took several months to produce. They have developed a detailed Phase 1 that can be started tomorrow and there is also a feasibility study that includes all the work done by everyone from hydrology engineers, structural engineers and the architects from the DBA. The project is ready to start and there are volunteers and

skilled craftsman that are ready to begin the project. The only thing lacking is the authorization to spend the insurance money.

Devon Fuller stated the entire board has not seen the feasibility study; therefore, the work is not going to be started tomorrow on the town office. Mr. Fuller advised the Board had been told the money was available; however, they have recently been made aware that the available funds are not the same. The Board now has the specs, plans and all information required to do an analysis. Robert Black stated the information provided by the DBA will be helpful in allowing the Select Board to make their decision. The DBA's intention was to make the presentation and answer any questions the board has. Mr. Black would like to bring everyone into alignment and assist the board in moving forward. Blaine Cliver requested an update on the insurance money from the town manager. Ms. Bennett stated the town has access to the majority of the money. There is a 25% holdback and if the funds are not spent on items that were granted, the town would not receive the additional 25%. Currently, the available funds are \$160,000.00. Devon Fuller stated the previous town manager was working with the insurance company and assured there was more money than what was received. Maurice Racine questioned if the Select Board has a timeline. Mr. Fuller stated the board will likely make a decision by the end of December. Tracy Wyman questioned whether insurance would cover the town office if it is moved back into the original location in the event of another flood. Ms. Bennett noted the town has not been told otherwise. Ethan Swift stated the town is also waiting to hear whether the grants through FEMA will be approved. He noted there are also other engineering firms that have outlined other engineering issues and it will need to be determined how best to proceed. The town will not receive confirmation of the FEMA grants until February. The town has an order to move out of the Fire Station by the end of the year and there have not been other arrangements made. If the decision is to fix the town office building, band aid fixes would be done to get into the building and proper fixes to the structure would not be done before all of the other pieces are understood. Blaine Cliver asked what other information would affect the building and Mr. Swift stated there were some other structural issues brought up when an RFP was sent out following the flood that were identified by Mr. Childs. Mr. Swift is concerned about flood resiliency and he appreciates the work that the DBA has done, but there are others items that need to be factored in. Max Ferro stated the DBA has worked with Mr. Childs on the engineering study and the idea was to try to bring the value of the damage as high as possible. There were conversations that were held between Mr. Arlyn and Mr. Downer on flood proofing alterations. In Swift's opinion, it makes sense to do this correctly. Mr. Black stated he has a fair amount of experience with river management. Watershed improvements will need to be studied, but the town would lose the equity in that building if it is removed for river management. Mr. Black would like to sit down with the Select Board to help them quantify the changes and to determine what the cost burden will be for the town. The DBA has received some estimates from contractors in all the work categories. Mr. Fuller stated there is a need to relocate the town office to a temporary location and he sees this as a six month project to renovate the town office. Mr. Black advised there has been some informal discussion with the Fire Department and as he understands, there might be some flexibility for the town offices to remain at the Fire

Station. Maurice Racine stated if the town proposed a definitive plan to the Fire Department, it might be considered. Tina Wiles stated the Select Board has adopted a Hazard Mitigation Plan and it notes several things that need to be done and the recommendation was that the town office should not be moved back into the original space due to the critical records. If the town is not abiding by the Plan, it could be forced to forfeit the FEMA funding. Wayne Rausenberger read from the town manager report of November 2012 noting that flood proofing would not be required because it is above the 100 year flood line. Mr. Swift stated there is information documented about flooding trends and it does not make sense to not do anything if the town wants the building to last for an extended time. It makes sense to be sure that the building is more resilient this time. Blaine Cliver stated there appears to be confusion between flood proofing and wet proofing, with wet proofing being placing items about the flood level. Mr. Ferro noted the specs include information on wet proofing.

Linda Stewart encouraged the Select Board to look into the option of staying at the Fire Station. She noted it is worth investigating the possibility of paying rent to the Fire Station and remaining there on a temporary basis. Jim Leary asked if any portion of the insurance money will go to the Fire Department for use of utilities. Mr. Fuller advised the insurance money cannot be spent on those types of expenses and the town will work with the Fire Department to reconcile the issues of wear and tear on the building, which will include some recarpeting and painting. Gary Meffe asked if a move would be on a month to month basis, or would it require an extended contract. Mr. Fuller stated contractual matters have to be discussed during executive session. Mr. Thornton also asked if the cost of modifying another building would be covered by the insurance. Robin Bennett stated the insurance company will pay for a portion of the expenses. Devon Fuller stated the Select Board has made the decision to move and he has not had a conversation with the Fire Chief. Mr. Fuller would like to do more flood proofing of the current office space and look into a better heating system. Mr. Swift stated there are grant funding opportunities available and in restoring all of the historic elements, it would be worth trying to get as much money as possible. Robert Black suggested the Select Board decide if they are going to move back into the town office, as it would be equal to the quality of space to move to another area temporarily. He suggested picking a date and making a commitment to get back into the building. Blaine Cliver stated the town has a hard time making decisions and making things happen. If the Select Board is going to put off moving back in, he suggested setting a date for a meeting to review and make a determination. Mr. Ferro stated there has not been an architect asked to review the temporary space and determine a cost estimate against what it would cost to move into the original building. Jeff Stewart noted the Select Board has not been given a chance to be a deliberative body and he suggested scheduling a working meeting with the architects and other knowledgeable individuals, as it is unfair for the townspeople to expect the board to make a decision in this manner. Devon Fuller stated it could be scheduled during the first part of January, which would provide an opportunity for the board to review all the information. Kevin Thornton stated there is importance of having government in the village and if the town abandons the building, it will be a disaster. Mr. Fuller stated the grant that the town is hoping for approval on is the overflow structure, which would not preclude the town from applying for other grants. Mr. Black suggested

committing to the building and to a watershed program; however, they are not mutually exclusive. If upstream work is done, it will improve the hazard mitigation in the town. Mr. Fuller stated the board is committed to the building and temporary housing is being dealt with. The information to make a decision has been gathered and the Select Board will now review the information and meet to make a decision. Blaine Cliver noted he will develop a flow chart for a timeline. Phyllis Reed stated Ms. Bennett has been working with the department heads on the budget and she feels that this issue should take precedent. Mr. Fuller stated the Select Board has to develop a budget and has a deadline in accordance with state statute. Mr. Fuller recapped by saying the Select Board did not know about the funding until a month ago, but they now have the information they need, but it will take more time than tonight. The insurance company will be paying a portion of the temporary rent for a reasonable amount of time. Richard Baker questioned why the board had not instructed the town manager to talk with the Fire Department, as the board owes this to the taxpayers and it is their responsibility to look into this option. Ms. Ammatuna stated the board does not feel comfortable with staying at the Fire Station due to the numerous extensions and the board has received a letter to be out of the building by the end of the year. It was noted the Fire Department has been patient and the Select Board has been appreciative.

6. Waterline/Segment 6/Bridge 114 Projects

Robin Bennett stated the comments should be received back from VTrans tomorrow to move forward with the waterline project. It is the intent to go out to bid the week of December 2nd. A schedule of the entire project will be provided to the Select Board at the next meeting. The next phase Ms. Bennett will be working on is the Bridge 114 project and she will meet with VHB next week regarding the Segment 6 project to start discussions on the right of way process. There are about 150 rights of ways that have to be negotiated and this will be an intensive project. Blaine Cliver does not think anything over and above Segment 6 would be required for right of ways for Bridge 114. Kevin Thornton wanted to remind the board that they should include the truss bridge in this area. This might be something that Ms. Wiles should be looking into and someone in the town should get together with Mr. Reed and Professor McCullough to discuss, as this is a great opportunity for the town. Mr. Thornton stated this would fit in with the Segment 6 planning and is an opportunity the town should not miss. Blaine Cliver noted the state water management people should be approached to determine what kind of bridge is allowable; whether it would be a vehicular, pedestrian or neither. Tina Wiles stated the town does not own the property and the town would not seek that information until Mr. Reed has submitted an application. There are some issues with that area, but it is up to the property owner to submit those requests. Mr. Cliver stated CLD will need to be advised on how to design the area in order to finish Segment 6. Ms. Wiles noted this area is outside of Segment 6. Linda Stewart stated no one has approached the Planning Commission concerning this item. Mr. Fuller would like to know if VHB has looked at the area where the old BHOP was. Mr. Swift stated the structure may play into the design after the town has heard from the FEMA grants. It was noted that Bob Reed's bridge was addressed in the hydrology study and was not considered a contributing factor to the restriction. Ms. Wiles stated the back of the Watershed Tavern

and Bob Reed's shed were removed, which were identified as restrictions. Maria Ammatuna asked if the town is waiting until the decision is made on the overflow grant before approaching the prior owners of BHOP. Mr. Swift stated they are in arrears for taxes and if they don't respond or make an arrangement, at some point, they will owe more money than the property is worth. Mr. Fuller thought it would be worthwhile to contact the Russell's and the former owners of the BHOP to update them. Ms. Wiles noted that all parties are aware. Mr. Rausenberger stated there was a question of the overflow project being part of the bridge project. Tina Wiles advised they were working with AOT to determine if the overflow would be part of Segment 6 or Bridge 114 and it was thought that it would be best to keep it as a separate project. Richard Baker stated when serving as interim town manager, he had sent out several tax letters and BHOP was one of the property owners that received a tax sale letter. There is a lien on the property and the owners have clearly abandoned it and there is no reason to delay in putting that property up for tax sale.

7. Town Manager's Report

Robin Bennett reported the comments have been received and the town has responded and resubmitted the information to VTrans regarding the waterline project. Work is currently being done on the RFP and it is anticipated the project will go out to bid the week of December 2nd. The Wheeler Road house has been demolished, with all work expected to be complete by December 1st. The town is working with the Rutland County Audubon Society on a restoration project for the site. Tyler Martin has been hired as the newest member of the Brandon Police Department and will start in February. The state has not made any further recommendations or requirements of the town concerning the town hall oil tank removal. The staff has drafted a Highway and Road Acceptance policy that is currently being reviewed and will be brought before the Select Board at a future meeting. Mr. Swift stated the policy should be in accordance with Title 19 and the A76 Road statute. With regards to the pending road acceptance, Ms. Bennett reported Mr. Whittaker will provide the town will some dates for a site visit.

8. Other Business

Ethan Swift attended the grand opening of the new Blue Seal Feed building. Mr. Swift thinks this will help generate more business and will hopefully bring more people to town.

Devon Fuller stated the Select Board had asked the interim town manager discuss the subject of a conflict of interest that was said to have with Mr. Cliver working with the DBA. Mr. Fuller reported the town's attorney has indicated that in his view, he does not see a conflict of interest for Mr. Cliver to sit on the DBA and he is not required to recuse himself from actions the Select Board takes with items involving the DBA. Mr. Cliver stated in the attorney's reply to Mr. Baker's email, dated August 5, 2013, he had indicated that he will speak directly with Mr. Cliver, however, Mr. Carroll has not contacted Mr. Cliver yet.

9. Fiscal

a) Warrant – November 25, 2013

Motion by Maria Ammatuna/Blaine Cliver to approve the warrant of November 25, 2013 for an amount not to exceed \$159,937.90. **The motion passed unanimously – 3 to zero.**

Maria Ammatuna questioned the details of the deductibles for three insurance claims. Robin Bennett stated one claim was electrical wires brought down by the road crew, the second one was concerning an accident and the third claim was for the roof repair of the town office. Ethan Swift questioned the warrant for the front end loader and Ms. Bennett reported this is the first installment of the new loader. Blaine Cliver questioned what groundwater the EIV Technical Services invoice refers to. Robin Bennett reported it is for the landfill. Mr. Cliver questioned where the town stands with the installation of LED lights. Devon Fuller recently spoke with Paul Markowitz and he was advised that Brandon is in the queue for this project to happen. Devon Fuller questioned the electrical bill for \$5,496.08, and it was reported this is for the wastewater department.

b) Front End Loader Financing

Motion by Ethan Swift/Blaine Cliver to approve the front end loader financing as presented; with a term of 20 successive quarterly payments of \$7,056.21 and a final payment of \$1.00.

Maria Ammatuna stated there is a termination of convenience clause. Ms. Ammatuna stated the agreement talks about the front end loader as being a unit and according to the agreement it is every accessory. If the town has other attachments, she recommended spelling out the details of these attachments in the UCC filing.

The motion passed unanimously – 3 to zero.

c) Perfect Pitch Roofing, Inc. - \$2,600.00

Motion by Maria Ammatuna/Blaine Cliver to approve the warrant for Perfect Pitch Roofing, Inc. in the amount of \$2,600.00. **The motion passed unanimously – 3 to zero.**

Motion by Maria Ammatuna/Blaine Cliver to enter into executive session at 9:06PM in accordance with V.S.A.313(a)(1). **The motion passed unanimously – 3 to zero.**

17. Executive Session 1 V.S.A.313 (a) (1)

Motion by Blaine Cliver/Maria Ammatuna to come out of executive session at 9:35PM. **The motion passed unanimously – 3 to zero.**

There was no action required.

Ms. Bennett advised the Board that they needed to adopt the resolution concerning the lease-purchase agreement for the front end loader, which was presented earlier in the meeting.

Motion by Maria Ammatuna/Blaine Cliver to adopt the resolution as presented for the lease-purchase agreement for the front end loader. **The motion passed unanimously – 3 to zero.**

20. Adjournment

Motion by Maria Ammatuna/Ethan Swift to adjourn the Select Board meeting at 9:38PM. **The motion passed unanimously - 3 to zero.**

Respectfully submitted,

Charlene Bryant
Recording Secretary